



**Billing Code: 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

**RIN 0648-XE261**

**Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary orders; inseason orders.

**SUMMARY:** NMFS publishes Fraser River salmon inseason orders to regulate treaty and non-treaty (all citizen) commercial salmon fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by NMFS during the 2015 salmon fisheries within the U.S. Fraser River Panel Area. These orders established fishing dates, times, and areas for the gear types of U.S. treaty Indian and all citizen commercial fisheries during the period the Panel exercised jurisdiction over these fisheries.

**DATES:** The effective dates for the inseason orders are set out in this document under the heading Inseason Orders.

**FOR FURTHER INFORMATION CONTACT:** Peggy Mundy at 206-526-4323.

**SUPPLEMENTARY INFORMATION:** The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631-3644.

Under authority of the Act, Federal regulations at 50 CFR part 300, subpart F, provide a framework for the implementation of certain regulations of the Commission and inseason orders of the Commission's Fraser River Panel for U.S. sockeye and pink salmon fisheries in the Fraser River Panel Area.

The regulations close the U.S. portion of the Fraser River Panel Area to U.S. sockeye and pink salmon tribal and non-tribal commercial fishing unless opened by Panel orders that are given effect by inseason regulations published by NMFS. During the fishing season, NMFS may issue regulations that establish fishing times and areas consistent with the Commission agreements and inseason orders of the Panel. Such orders must be consistent with domestic legal obligations and are issued by the Regional Administrator, West Coast Region, NMFS. Official notification of these inseason actions is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1) and in 80 FR 25611 (May 5, 2015). The inseason orders are published in the **Federal Register** as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impractical.

### **Inseason Orders**

The following inseason orders were adopted by the Panel and issued for U.S. fisheries by NMFS during the 2015 fishing season. Each of the following inseason actions was effective upon announcement on telephone hotline numbers as specified at 50 CFR 300.97(b)(1) and in 80 FR 25611 (May 5, 2015); those dates and times are listed herein. The times listed are local times, and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220-22.

*Fraser River Panel Order Number 2015-01: Issued 12:15 p.m., July 24, 2015*

Treaty Indian Fishery

*Areas 4B, 5, and 6C: Open to drift gillnets 12 p.m. (noon), Saturday, July 25, 2015, to 12*

p.m. (noon), Wednesday, July 29, 2015.

*Fraser River Panel Order Number 2015-02: Issued 11:50 a.m., July 28, 2015*

Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 p.m. (noon), Wednesday, July 29, 2015, through 12 p.m. (noon), Saturday, August 1, 2015.

*Fraser River Panel Order Number 2015-03: Issued 12:30 p.m., July 31, 2015*

Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 p.m. (noon), Saturday, August 1, 2015, through 12 p.m. (noon), Wednesday, August 5, 2015.

*Areas 6, 7, and 7A:* Open for net fishing from 5 a.m. to 11:59 p.m. (midnight), Saturday, August 1, 2015, and from 5 a.m. to 11:59 p.m. (midnight), Monday, August 3, 2015.

All Citizen Fishery

*Areas 7 and 7A:* Open to reefnets from 9 a.m. to 9 p.m., Saturday, August 1, 2015.

*Areas 7 and 7A:* Open to purse seines from 9 a.m. to 9 p.m., Sunday, August 2, 2015.

*Areas 7 and 7A:* Open to drift gillnets from 11 a.m. to 11 p.m., Sunday, August 2, 2015.

*Fraser River Panel Order Number 2015-04: Issued 12:30 p.m., August 4, 2015*

Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 p.m. (noon), Wednesday, August 5, 2015, to 12 p.m. (noon), Saturday, August 8, 2015.

*Areas 6, 7, and 7A:* Open for net fishing from 5 a.m., Thursday, August 6, 2015, to 9 a.m., Friday, August 7, 2015.

All Citizen Fishery

*Areas 7 and 7A:* Open to reefnets from 5 a.m. to 9 p.m., Thursday, August 6, 2015, and 5

a.m. to 9 p.m., Friday, August 7, 2015.

*Areas 7 and 7A:* Open to purse seines from 5 a.m. to 9 p.m., Wednesday, August 5, 2015, and 5 a.m. to 9 p.m., Friday, August 7, 2015.

*Areas 7 and 7A:* Open to drift gillnets from 8 a.m. to 11:59 p.m. (midnight), Wednesday, August 5, 2015, and from 8 a.m. to 11:59 p.m. (midnight), Friday, August 7, 2015.

*Fraser River Panel Order Number 2015-05: Issued 12:30 p.m., August 7, 2015*

Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 p.m. (noon), Saturday, August 8, 2015, to 12 p.m. (noon), Wednesday, August 12, 2015.

*Areas 6, 7, and 7A:* Open for net fishing from 5 a.m., Sunday, August 9, 2015, to 9 a.m., Tuesday, August 11, 2015.

All Citizen Fishery

*Areas 7 and 7a:* Open to reefnets from 5 a.m. to 9 p.m., Saturday, August 8, 2015.

*Areas 7 and 7A:* Open to purse seines from 5 a.m. to 9 p.m., Saturday, August 8, 2015.

*Areas 7 and 7A:* Open to drift gillnets from 8 a.m. to 11:59 p.m. (midnight), Saturday, August 8, 2015.

*Fraser River Panel Order Number 2015-06: Issued 8:30 p.m., August 24, 2015*

Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Open to drift gillnets from 12 p.m. (noon), Tuesday, August 25, 2015, through 12 p.m. (noon), Saturday, August 29, 2015. Sockeye may be retained for ceremonial and subsistence purposes only.

*Areas 6, 7, and 7A:* Open for net fishing from 5:00 a.m., Thursday, August 27, 2015, through 9:00 a.m., Saturday, August 29, 2015. Sockeye may be retained for ceremonial and

subsistence purposes only.

#### All Citizen Fishery

*Areas 7 and 7A:* Open to reefnets, with non-retention of sockeye, from 5 a.m. to 9 p.m., Wednesday, August 26, 2015, and 5 a.m. to 9 p.m., Thursday, August 27, 2015.

*Areas 7 and 7A:* Open to purse seines, with non-retention of sockeye, from 5 a.m. to 9 p.m., Tuesday, August 25, 2015, and 5 a.m. to 9 p.m., Wednesday, August 26, 2015.

*Areas 7 and 7A:* Open to drift gillnets, with non-retention of sockeye, from 8 a.m. to 11:59 p.m. (midnight), Tuesday, August 25, 2015, and 8 a.m. to 11:59 p.m. (midnight), Wednesday, August 26, 2015.

*Fraser River Panel Order Number 2015-07: Issued 12:30 p.m., August 28, 2015*

#### Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 p.m. (noon), Saturday, August 29, 2015, through 12 p.m. (noon), Wednesday, September 2, 2015. Sockeye may be retained for ceremonial and subsistence purposes only.

*Areas 6, 7, and 7A:* Open for net fishing from 5 a.m., Monday, August 31, 2015, through 9 a.m., Tuesday, September 1, 2015. Sockeye may be retained for ceremonial and subsistence purposes only.

#### All Citizen Fishery

*Areas 7 and 7A:* Open to reefnets, with non-retention of sockeye, from 5 a.m. to 9 p.m., Sunday August 30, 2015, and from 5 a.m. to 9 p.m., Monday, August 31, 2015.

*Areas 7 and 7A:* Open to purse seines, with non-retention of sockeye, from 5 a.m. to 9 p.m., Sunday, August 30, 2015.

*Areas 7 and 7A:* Open to drift gillnets, with non-retention of sockeye, from 8 a.m. to

11:59 p.m. (midnight), Sunday, August 30, 2015.

*Fraser River Panel Order Number 2015-08: Issued 9:45 a.m., August 31, 2015*

All Citizen Fishery

*Areas 7 and 7A:* Open to reefnets, with non-retention of sockeye, from 5 a.m. to 9 p.m., Tuesday, September 1, 2015.

*Areas 7 and 7A:* Open to purse seines, with non-retention of sockeye, from 5 a.m. to 9 p.m., Tuesday, September 1, 2015.

*Areas 7 and 7A:* Open to drift gillnets, with non-retention of sockeye, from 8 a.m. to 11:59 p.m. (midnight), Tuesday, September 1, 2015.

*Fraser River Panel Order Number 2015-09: Issued 11:50 a.m., September 8, 2015*

Treaty Indian and All Citizen Fisheries

*Areas 4B, 5, 6, 6C, 7, and 7A, excluding the Apex:* Relinquish regulatory control effective 11:59 p.m. (midnight), Tuesday, September 8, 2015. The Apex is those waters north and west of the Area 7A “East Point Line,” defined as a line projected from the low water range marker in Boundary Bay on the U.S./Canada border through the east tip of Point Roberts, WA, to the East Point Light on Saturna Island in the Canadian Province of British Columbia.

*Fraser River Panel Order Number 2015-10: Issued 3 p.m., October 8, 2015*

Treaty Indian and All Citizen Fisheries

*Area 7A, the Apex:* Relinquish regulatory control in the remaining portion of catch area 7A, referred to as the Apex, effective 11:59 p.m. (midnight), Friday, October 9, 2015.

## **Classification**

The Assistant Administrator for Fisheries NOAA (AA), finds that good cause exists for the inseason orders to be issued without affording the public prior notice and opportunity for

comment under 5 U.S.C. 553(b)(B) as such prior notice and opportunity for comments is impracticable and contrary to the public interest. Prior notice and opportunity for public comment is impracticable because NMFS has insufficient time to allow for prior notice and opportunity for public comment between the time the stock abundance information is available to determine how much fishing can be allowed and the time the fishery must open and close in order to harvest the appropriate amount of fish while they are available.

The AA also finds good cause to waive the 30-day delay in the effective date, required under 5 U.S.C. 553(d)(3), of the inseason orders. A delay in the effective date of the inseason orders would not allow fishers appropriately controlled access to the available fish at that time they are available.

This action is authorized by 50 CFR 300.97, and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 3636(b).

Dated: November 5, 2015

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Emily H. Menashes,  
Acting Director,  
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National Marine Fisheries Service.

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